

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KAZIMIERA DOLIK,

Plaintiff,

ORDER

- v -

CV-06-5689 (JG)(VVP)

ACTION CARTING ENVIRONMENTAL
SVC. INC., et al.,

Defendants.
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The Administrator of the Estate of Kazimiera Dolik, John P. Bohannon, Jr., has moved to be substituted as the plaintiff in this action, and the motion has been referred to me for decision by Judge Gleeson. Initially, the defendants opposed the motion on the ground that there were irregularities in the appointment of the administrator, who at that point had only been appointed on a temporary basis, and that there were questions about the scope of the administrator's authority to maintain this action. Since the filing of the initial opposition papers, however, the administrator has submitted further documents, by way of a Revised Motion to Substitute Proper Party, which establish that the movant was appointed the full administrator of the estate of the named plaintiff by the Court of Probate, District of Bridgeport, State of Connecticut on February 5, 2007. In that capacity the movant has full authority under the laws of the State of Connecticut to prosecute the claims in this action. *See* Conn. Gen. Stat. §§ 45a-234(18), 45a-303(c)(2). The defendants' concerns about the jurisdiction of a probate court in Connecticut to appoint an administrator for an non-domiciliary are answered by Conn. Gen. Stat. §§ 45a-303(a)(2) and 45a-287(a)(2), which specifically authorize appointment of an administrator by the probate court in the district where the property of a non-domiciled decedent is located. Finally, at the hearing the court found that the minor procedural defects in the movant's suggestion of death and motion for substitution had either been cured or did not warrant denial of the motion, but permitted the

defendants an opportunity to submit further argument and authority concerning those matters.

They have not done so.

The court thus finds that the requirements of Rule 25 have been satisfied, and the motion for substitution is hereby granted. The plaintiff in this matter hereafter is John P. Bohannon, Jr., as Administrator of the Estate of Kazimiera Dolik.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
February 28, 2007